

TRANSPORTATION AND PUBLIC FACILITIES

17 AAC 05.010. STATE HIGHWAY SYSTEM. (a) A highway system consisting of such facilities as the commissioner may designate shall be known as the "State Highway System." The state highway system includes highway facilities that fall within these program classifications:

(1) highways that are included within the National Highway System under the requirements of 23 U.S.C. §134;

(2) the highway elements of the Alaska Highway System under 17 AAC 05.170; and

(3) state owned and maintained highways, and transportation related facilities, included within the Community Transportation Program and the Trails and Recreational Access for Alaska Program under 17 AAC 05.170.

(b) The State Highway System shall be compiled in a list and published for public information in a suitable manner and shall contain the following:

(1) the name common to or designated for the facility;

(2) its numerical designation, if any;

(3) its beginning and terminal points; and

(4) its general route by denoting principal settlements and landmarks along its course.

(c) Maps and other identifying documents may be inspected at regional and headquarters offices located at Anchorage, Fairbanks, and Juneau.

(d) The State Highway System shall become official upon a declaration of adoption by the commissioner, and no revision, addition, or deletion to it may become effective without a similar declaration, except by law; official maps of the system shall be made available at cost.

(e) The provisions of this section relating to the adoption of the State Highway System do not apply to minor adjustments, revisions, or relocations to it so long as the general location, route, and termini remain substantially unchanged and the class of the highway is not altered.

(f) The State Highway System may include both present and future routes, provided that the latter are suitably distinguished from the former upon all maps, and in all recommendations and declarations.

Authority: AS 19.05.020

AS 19.10.020

17 AAC.05.120. STATEWIDE TRANSPORTATION PLANNING

PROCESS. The statewide transportation planning process shall provide for:

- (1) data collection and analysis;
- (2) consideration of objectives contained in 17 AAC 05.125;
- (3) coordination of activities contained in 17 AAC 05.135;

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(4) the development of a range of transportation options designed to meet the transportation needs of passengers, freight, safety of persons and property, including all modes and their connections; and

(5) consideration of comments from the public and interested parties.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

17 AAC 05.125. STATEWIDE TRANSPORTATION PLANNING

OBJECTIVES. (a) The statewide transportation planning process shall provide for consideration of goals and objectives that will further:

- (1) the economic vitality of the state;
- (2) the safety and security of all users of the state's transportation system;
- (3) accessibility and mobility options available to people and for freight;
- (4) the integration and connectivity of various modes of the state's

transportation system;

(5) the preservation of the existing transportation system; and

(6) any metropolitan area plan developed pursuant to 23 U.S.C. 134 and section 8 of the Federal Transit Act, 49 U.S.C. app. 1607.

(b) The department shall, when formulating its goals and objectives in the statewide transportation plan, and the strategies to implement those goals and objectives, consider the concerns of interested parties and minimize any adverse environmental,

economic or social impact of the goals and objectives contained within the plan upon any segment of the population.

Authority: AS 19.05.020 AS 19.10.140
AS 19.05.030 AS 44.42.030

17 AAC 05.130. STATEWIDE TRANSPORTATION PLAN. (a) The statewide transportation plan shall present the goals and objectives that will guide the development for a forecast period of 20 years for all of the state's modes of transportation. In the plan the department shall consider means and costs of improving existing modes and facilities, state and federal funding, and the costs and benefits of new transportation modes and facilities. The plan includes the entire state, with separate components, subdivided by geographic region, modes of transportation, and other distinctions.

(b) The department shall update the statewide transportation plan every five years, or more frequently, to reflect population and economic trends, transportation service demands, changes in technology, economic development projects, and the identification of new transportation objectives.

Authority: AS 19.05.020 AS 19.10.140
AS 19.05.030 AS 44.42.030

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17 AAC 05.135. PUBLIC PARTICIPATION IN THE STATEWIDE

TRANSPORTATION PLANNING PROCESS. (a) The department shall give notice of the proposed update of the statewide transportation plan by:

- (1) publishing notice in a newspaper of general circulation;
- (2) providing written notice to interested parties, legislators, and appropriate state and federal agencies; and
- (3) posting a notice on Alaska On Line Public Notice.

(b) The notice of proposed update of the statewide transportation plan shall state:

- (1) parts of the plan to be updated;
- (2) a summary of the scope of the updated plan;
- (3) the general plan for public participation activities; and
- (4) the means of contacting the department by providing:
 - (A) a mailing address,
 - (B) a toll free telephone number,
 - (C) a toll free FAX number,
 - (D) an E-mail address, and
 - (E) a TTY/DD telephone number to allow participation by the hearing impaired.

(c) The notice of proposed updates to the statewide transportation plan, sent to those persons included in (a), shall include means that will allow persons to provide immediate comments. These means of communication may include:

(1) mail back cards by which the sender may request further inclusion in the planning process; and

(2) a brief questionnaire soliciting comments regarding the existing plan, proposals or changes to the plan, and suggestions for improving public involvement.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

17 AAC 05.140 METHODS FOR RECEIVING PUBLIC INPUT. (a) Not less than 45 days after the notice is first given under 17 AAC 05.135(a)(1) of the proposed update of the statewide transportation plan, the department shall form a public review group for the proposed update of the plan. A public review group includes any person or group that responded under 17 AAC 05.135(c) and requested inclusion in the review process.

(b) The department shall give members of a public review group notice by mail or e-mail of all materials prepared during the update of the statewide transportation plan, that copies of any specific documents are available upon request, and the identification of any web site where documents are posted. They may comment upon the proposed

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updates to the statewide transportation plan, through responses to questionnaires, direct correspondence with department staff, or at any public meeting conducted by the department on the revision of the statewide transportation plan.

(c) For any update of the statewide transportation plan, the department shall conduct at least one public meeting calculated to elicit public comments from members of the public and interested parties.

(d) The commissioner may appoint a public advisory committee (PAC) with at least 6 members to review the public comments received under (b) and (c) of this section and recommend options for policy development or strategies for inclusion in the updated plan.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

17 AAC 05.145. PUBLIC REVIEW OF THE DRAFT PLAN. (a) The department shall give notice to interested parties and members of the public review group formed under 17 AAC 05.140 that the draft statewide transportation plan is available on request, and identify a web site where it is posted. The department shall distribute copies to public libraries for public review and comment.

(b) The department shall include a questionnaire with each copy of the draft plan that solicits comments regarding the draft plan. The department shall conduct public

meetings calculated to elicit public comments from members of the public, and interested parties, on the draft plan.

(c) The public review and comment period for the draft statewide transportation plan is not less than 45 days, commencing 3 days after notice of the release of the draft statewide transportation plan is given to interested parties and the public review group.

(d) The department shall make available upon request comments received during the public comment period and its responses, if any, to those comments.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

17 AAC 05.150. ADOPTION OF THE TRANSPORTATION PLAN. (a) Not more than 90 days after the end of the public review period for the draft transportation plan under 17 AAC 05.0145, the commissioner, after considering the public comments received, and with appropriate changes, shall adopt an updated statewide transportation plan that serves the best interests of the state. The commissioner may extend the date for the adoption of the updated statewide transportation plan an additional 120 days.

(b) The department shall, within 15 days of the adoption of a statewide transportation plan by the commissioner, provide written notice of the adoption to interested parties, the public review group, and any advisory committee.

(c) A printed document, which the Commissioner adopts as a component of the Statewide Transportation Plan, shall include an adoption page bearing the signature of the

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Commissioner and date of adoption. Each page and map shall bear the notation “An approved component of the Alaska Statewide Transportation Plan” followed by the month, day, and year of the Commissioner’s adoption of the entire document.

Authority: AS 19.05.020 AS 19.10.140
AS 19.05.030 AS 44.42.030

17 AAC 05.155. STATEWIDE TRANSPORTATION IMPROVEMENT

PROGRAM. (a) The department shall develop a statewide transportation improvement program (STIP). The purpose of the STIP is to schedule the expenditure of surface transportation funds on designated projects over a three-year period.

(b) In air quality non-attainment and maintenance areas outside metropolitan planning areas, before funds allocated in the STIP to a particular project may be spent, the United States Department of Transportation (USDOT) must find that the project is in conformity with air quality requirements under 40 C.F.R., parts 51 and 93.

(c) During the development of the STIP, the Commissioner, after consultation with all municipalities contained within an MPO and interested parties outside an MPO, shall make a written determination of the level of federal funding allocated under the Community Transportation Program and Trail and Recreational Access for Alaska Program to an MPO. This determination to equitably allocate funding for surface transportation shall be based on one or more of the following criteria:

(1) the number of lane miles of existing and proposed highways and roads in the MPO as compared to the remainder of the state;

(2) the geometric and functional deficiencies of highways and roads in the MPO as compared to the remainder of the state;

(3) the number of miles of sidewalks, trails and waysides in the MPO as compared to the remainder of the state;

(4) the number of vehicle miles traveled or traffic congestion in the MPO as compared to the remainder of the state;

(5) the number and severity of traffic accidents in the MPO as compared to the remainder of the state;

(6) the capacity of the tax and employment base to contribute local funds to the cost of surface transportation within the MPO as compared to the remainder of the state;

(7) the population within the MPO as compared to the remainder of the state;

(8) the degree of unmet need for new or improved transportation features within the MPO as compared to the remainder of the state; and

(9) consideration of the unmet needs for minority and low income population in the MPO compared to the remainder of the state.

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(d) The department in consultation with each Metropolitan Planning Organization (MPO) shall estimate the total amount of money available, by federal category, for the MPOs metropolitan transportation improvement program (TIP) including federal funds available under (c) of this section, and state and local funds of regional significance. The department shall include a metropolitan planning area's TIP without modification in the STIP, but only if each TIP has been approved by its MPO and the governor or a designee of the governor. In air quality non-attainment and maintenance areas, before funds allocated in the TIP to a particular project may be spent, USDOT must find the TIP is in conformity with air quality requirements under 40 C.F.R., parts 51 and 93.

Authority:	AS 19.05.020	AS 19.10.140
	AS 19.05.030	AS 44.42.030
	AS 19.05.125	AS 44.42.050

17 AAC 05.160. PUBLIC PARTICPATION IN STIP PROCESS. (a) The department shall provide, at least every three years, for participation in development of the STIP by:

- (1) interested parties;
- (2) MPOs which shall be involved on a cooperative basis for the portions of the program affecting metropolitan planning areas;

(3) local officials, in areas outside of metropolitan planning areas, with responsibility for transportation; and

(4) members of the public.

(b) The department shall solicit nominations of projects for inclusion into the STIP in the following classifications under 17 AAC 05.170: National Highway System, Alaska Highway System, the Community Transportation Program, and the Trails and Recreational Access for Alaska Program. The solicitation shall occur by publishing a notice in a newspaper of general circulation, posting notice on Alaska On Line Public Notice, and written notice to interested parties and MPOs. The notice may include a description of the relative weights assigned to the applicable evaluation criteria for the projects in each project category, or the department may provide notice of changes to the criteria and relative weights in a separate notice and public review period. Whether combined, or done separately, the notices shall allow not less than 30 days for respondents to submit their nominations to the department and to comment upon the relative weights assigned to the applicable evaluation criteria for the projects in each project category.

(c) The department shall publish a notice at least once in a newspaper of general circulation, and provide written notice to interested parties, MPOs, and local officials from areas outside MPOs, that a project needs list and preliminary STIP have been prepared. The needs list shall contain the projects nominated under this section. The

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preliminary STIP evaluates those projects statewide under 17 AAC 05.175. If requested, the department will provide a copy of the needs list and the preliminary STIP. The department shall allow not less than 30 days for review and comment upon the needs list and preliminary STIP. During the review and comment period the department shall conduct at least one public meeting calculated to elicit comments from the public and participants under this section.

(d) The department shall provide written notice of the availability of a draft STIP prepared under 17 AAC 05.180 to the participants set forth in subsection (a). The written notice shall include means to contact the department through:

- (1) a toll free telephone number;
- (2) a toll free FAX number;
- (3) a mailing address;
- (4) an E-mail address; and
- (5) a TTY/DD telephone number to allow participation by the hearing

impaired.

(e) The department may conduct public meetings calculated to elicit public comments on the draft STIP from members of the public and interested parties.

(f) The department shall not amend the STIP without first, if required, giving notice under 17 AAC 05.195.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

AS 19.05.125 AS 44.42.050

17 AAC 05.165. GENERAL REQUIREMENTS FOR THE STIP. (a) At least every three years the department shall prepare the STIP which lists surface transportation projects to be completed in the next three years, evaluated and prioritized in each year to serve the state's best interests. Project prioritization within a metropolitan planning area is determined by its MPO in its TIP.

(b) Projects included in the STIP must be consistent with the statewide transportation plan developed under 17 AAC 05.120 through 17 AAC 05.150;

(c) For each project, or an identified phase of a project, the department shall state the estimated total project cost, which may extend beyond the three years of the STIP; the state, federal, and other funding that is available for the project; and the amount of funding proposed for obligation during each program year for the project or phase.

(d) Projects that are not considered of appropriate scale for individual identification in a given program year may be grouped by funding category, function, work type, or geographic area.

(e) The projects listed in the STIP shall include surface transportation projects eligible for funding under Title 23, U.S.C or 49 U.S.C. Chapter 53, excluding:

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(1) projects in an MPO that are funded with the allocated amounts under the Community Transportation Program or the Trails and Recreational Access for Alaska Program; and

(2) state planning and research projects funded under 23 U.S.C. 307(c)(1) and 49 U.S.C. 5313(b).

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

AS 19.05.125 AS 44.42.050

17 AAC 05.170. PROJECT CLASSIFICATION. (a) The department shall classify projects in the following categories: highway facilities on the National Highway System including ferries and terminals, the Alaska Highway System, the Community Transportation Program, and the Trails and Recreational Access for Alaskans Program. Highways in the National Highway System, and the Alaska Highway System, are eligible for inclusion in the STIP, but are not evaluated by the department under 17 AAC 05.175. Except for projects to which 17 AAC 05.200 applies, the department shall evaluate the projects within the Community Transportation Program and the Trails and Recreational Access for Alaska Program by the scoring criteria under 17 AAC 05.175.

(b) The Alaska Highway System includes existing or planned surface facilities that are of statewide significance though not included in the National Highway System. The Alaska Highway System specifically includes:

(1) Marine vessels and facilities, which includes Alaska Marine Highway System terminals and vessels that are not included within the National Highway System, and terminals and vessels owned and operated by political subdivisions of the state that provide service between Alaska communities;

(2) Craig-Klawock-Hollis Highway from Craig to Clark Bay;

(3) Copper River Highway from Cordova to end;

(4) Denali Highway from Richardson Highway to Parks Highway;

(5) Aleknagik Lake Road from Kanakanak Road to the Village of Aleknagik;

(6) Edgerton-McCarthy Road from Richardson Highway to end;

(7) Elliott Highway from Dalton/Elliott intersection to end;

(8) Glacier Highway, Auke Bay Ferry Terminal to Echo Cove;

(9) Klawock Airport Road, Klawock Airport to Big Salt Lake Road;

(10) Big Salt Lake Road, from Craig/Klawock/Hollis Road to end;

(11) Hope Highway, from Seward Highway to Hope;

(12) Thorne Bay Road, from Big Salt Lake Road to Thorne Bay;

(13) North Prince of Wales Road from the junction of Big Salt Lake Road to Coffman Cove junction;

(14) King Salmon-Naknek Road, from Naknek to King Salmon;

(15) Nabesna Road, from Tok Cut Off to Nabesna;

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(16) Nome-Teller Highway, from Nome to Teller;

(17) Nome - Council Highway, from Nome to Council;

(18) Kougarok Road (or the Nome-Taylor Highway) from Nome-Council

Highway to its end at the historic community of Taylor;

(19) Steese Highway, from Elliott Highway junction to Circle Hot Springs;

(20) Minto Spur; from Elliott Highway to Minto;

(21) Northway Road, from Alaska Highway to Northway;

(22) Mentasta Road, from Tok Cutoff to Mentasta;

(23) Lake Louise Road, from Glenn Highway to Lake Louise;

(24) Clear Road/Anderson Road, from Parks Highway to Anderson

(25) Chena Hot Springs Road, from Steese Highway to Chena Hot

Springs;

(26) Old Glenn Highway, from Palmer to the Glenn Highway;

(27) Palmer Wasilla Highway;

(28) Petersville Road, from Parks Highway to end;

(29) Talkeetna Road, from Parks Highway to end;

(30) Taylor Highway, from Alaska Highway to Eagle;

(31) Top of the World Highway, from Taylor Highway to Canadian Border

(32) North Tongass Highway, from Ketchikan Airport Ferry Terminal to

end;

- (33) South Tongass Highway from Bawden Street to end;
- (34) Pile Bay Road, from Williamsport to Pile Bay;
- (35) Eureka to Rampart Road, from Elliott Highway to Rampart;
- (36) Chiniak Highway, from Sargent Creek Road to Pasagshak Road;
- (37) Pasagshak Road, from Chiniak Highway to Kodiak Missile Launch

Complex;

- (38) Rezanof Drive West, from Airport Terminal Road to Chiniak

Highway;

- (39) Anton Larson Bay Road, from Cape Chiniak Road to mile post 12.3;

(40) Mitkof Highway from the Petersburg Ferry terminal to the planned ferry terminal on the south end of Mitkof Island;

- (41) Chignik Connector, a planned route linking Chignik to Chignik

Lagoon and Chignik Lake;

(42) South Naknek Access, a planned route crossing the Naknek River from South Naknek to the King Salmon-Naknek Road; and

- (43) Iliamna to Nondalton Road.

(c) Projects in the Community Transportation Program include surface transportation facilities of local or regional significance that are owned by the state or its political subdivisions that do not qualify for inclusion in the National Highway System, and are not included in the Alaska Highway System. Project categories in this program

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include: rural and urban streets, remote roads and trails, transit projects, and intelligent transportation systems not part of the National Highway System or Alaska Highway System facilities.

(d) TRAAK projects are those that qualify for funding under the Land and Water Conservation Fund Act of 1965 (P.L. 88-.578) and subsequent amendments, the National Recreational Trails Fund Act of 1991 (P.L. 102-328) and subsequent amendments, or the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240) and subsequent amendments and reauthorizations, and include, but are not limited to: trails that tie neighborhoods, parks, and commercial areas together, bike and pedestrian trails, trail heads, interpretive waysides, picnic areas and rest stops.

Authority:	AS 19.05.020	AS 19.10.140
	AS 19.05.030	AS 44.42.030
	AS 19.05.125	AS 44.42.050

17 AAC 05.175. PROJECT NEEDS LIST AND EVALUATION. (a) Projects nominated for a project needs list under 17 AAC 05.0160 may, after public review and comment, be incorporated in the STIP. Except for projects in the National Highway System and the Alaska Highway System, or exempt under 17 AAC 05.200, the department will evaluate and score projects regionally and statewide according to criteria applicable to each transportation program.

(b) For Rural and Urban Streets projects the evaluation criteria are:

- (1) economic benefits resulting from the project;
- (2) the project's effect upon health and quality of life;
- (3) whether the project enhances the safety of the traveling public;
- (4) whether the project improves intermodal transportation or lessens
redundant facilities;
- (5) whether there is a contribution by a municipality, another state agency,
or a federal agency to fund capital costs;
- (6) whether there is a commitment by a municipality, another state agency,
or a federal agency to assume ownership or to fund maintenance and operations costs;
- (7) whether the project will lower state maintenance and operation costs;
- (8) environmental approval readiness;
- (9) whether the project involves only surface rehabilitation;
- (10) evaluation of cost, length, and average annual daily traffic count;
- (11) whether the project replaces deficient bridges;
- (12) whether the project corrects deficient roadway width, grade, and
alignment;
- (13) functional class;
- (14) the degree to which the project exhibits innovation in the manner in
which it addresses the project's challenges; and
- (15) the degree of public support.

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(c) For Remote Roads and Trails projects, which fund projects in communities not connected to the continental road network by road or ferry, the evaluation criteria are:

- (1) economic benefits resulting from the project;
- (2) the project's effect upon health and quality of life;
- (3) whether the project enhances the safety of the traveling public;
- (4) whether the project improves intermodal transportation or lessens redundant facilities;
- (5) whether there is a contribution by a municipality, another state agency, or a federal agency to fund capital costs to fund capital costs;
- (6) whether there is a commitment by a municipality, another state agency, or a federal agency to assume ownership or to fund maintenance and operations costs;
- (7) whether the project lowers state maintenance and operations costs;
- (8) the degree of public support;
- (9) environmental approval readiness;
- (10) whether the project improves access to water sources, landfills, sewage lagoons, honey bucket sites, health care, airports, subsistence sites, or a river and the ocean;
- (11) whether the project preserves an existing facility;

(12) whether the project is a joint project with the Alaska Department of Environmental Conservation, Bureau of Indian Affairs, Indian Public Health Service, a tribal agency, or another federal or state agency; and

(13) the degree to which the project exhibits innovation in the manner in which it addresses the project's challenges.

(d) For transit projects the evaluation criteria are:

- (1) economic benefits resulting from the project;
- (2) the project's effect upon health and quality of life;
- (3) whether the project enhances the safety of the traveling public;
- (4) whether the project improves intermodal transportation or lessens redundant facilities;
- (5) whether there is a contribution by a municipality, another state agency, or a federal agency to fund capital costs;
- (6) whether there is a commitment by a municipality, another state agency, or a federal agency to assume ownership or to fund maintenance and operations costs;
- (7) environmental approval readiness;
- (8) whether the project is necessary for system continuity;
- (9) whether the project increases the level of service or capacity;
- (10) whether the project is listed in the state air quality implementation plan,

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(11) whether the local agency has exhausted Federal Transit

Administration funding sources;

(12) whether the project supports coordinated service or brokerage;

(13) whether the project increases mobility for the disadvantaged; and

(14) the degree to which the project exhibits innovation in the manner in which it addresses the project's challenges.

(e) For TRAAK projects the evaluation criteria are:

(1) the project's effect upon health and quality of life;

(2) whether the project enhances the safety of a user of a trail;

(3) whether there is a contribution by a municipality, another state agency, or a federal agency to fund capital costs in the form of money or material contributions such as land or building materials;

(4) whether there is a commitment by a municipality, another state agency, or a federal agency to assume ownership or to fund maintenance and operations costs;

(5) departmental maintenance and operations costs and priority;

(6) whether the project bridges gaps or removes barriers between existing trail systems or provides interpretive or rest area continuity;

(7) whether the project is tied to a recreational, educational, or tourism event or activity and the public's support of that event;

- (8) whether the project has significance because of historical, cultural, natural, archaeological, or recreational considerations;
- (9) whether the project stabilizes or renovates an historic transportation property;
- (10) capital cost; and
- (11) the degree to which the project exhibits innovation in the manner in which it addresses the project's challenges.

(f) For intelligent transportation systems (ITS) the evaluation criteria are:

- (1) the degree to which the project furthers the goals of efficiency with reliability, safety and security, improvement of the quality of life, and multimodal mobility;
- (2) whether the project furthers the department's operations and efficiency;
- (3) whether the project furthers integration between activities within the department or other ITS activities;
- (4) whether the project furthers integration with activities external to the department conducted by state and federal agencies, municipalities, or private sector organizations;
- (5) whether there are contributions from other state agencies, federal agencies, municipalities, or private sector organizations to fund project development;

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(6) whether there are municipalities, federal agencies or other state agencies or private organizations to fund maintenance and operations costs;

(7) the total amount of the project's capital cost and operating costs for five years of operations;

(8) the degree to which the project is consistent with Alaska and national standards for system architecture;

(9) the degree to which the project is consistent with national standards for ITS hardware;

(10) the degree to which the project uses technology that has proven in past projects to be sustainable in circumstances comparable to Alaska's environment;

(11) whether the project has a clear and complete implementation and operational definition;

(12) whether the project technology expands ITS potential beyond its parameters;

(13) whether there are benefits from the project that accrue to more than one of the department's regions;

(14) the degree to which the project is consistent with and furthers goals and objectives of the statewide transportation plan.

(g) Members of each regional transportation planning staff shall evaluate and establish preliminary scores for projects nominated from its region for the needs list

under the criteria set out in this section using the methodology set out in (i). The department shall establish minimum scores for each project category established under this section, that entitles the projects that score more than the applicable minimum score to be considered in the statewide evaluation of projects under this section.

(h) A project evaluation board (PEB), appointed by the commissioner, shall evaluate and score the projects, nominated and prioritized by each region, for the statewide project needs list and preliminary STIP using the methodology set out in (i). To arrive at the final statewide list, the department shall select the projects with the highest scores in each program for inclusion in the STIP, based upon fiscal constraints, score, project development considerations, and the state's best interests.

(i) During the evaluation under (g) and (h) of this section, and 17 AAC 05.180, each evaluator shall score each project using the evaluation criteria applicable to each category of project. Each evaluator shall then determine the total project score by multiplying the individual scores times the weight of each criterion, and then adding the total for all criteria. The final project scores for each evaluator are then averaged to provide a mathematical score for all PEB members. The average score for each project is used for the purposes of evaluating projects for each category. The relative weight assigned the evaluation criteria for each category of projects and the mathematical techniques used to differentiate the projects, shall be included in the project criteria notice

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issued under 17 AAC 05.160, and may be discussed during any public meeting on the project needs list and draft STIP.

(j) A meeting of the PEB under (h) is a public meeting under AS 44.62.310.

Notice satisfying the requirements of AS 44.62.310 shall be given to interested parties not less than 14 days before the meeting. The department shall make available at a meeting under (h), for inspection by the public and interested persons, one set of the briefing materials provided to the PEB members.

(k) Before the department will consider a community's commitment to provide funding for construction or maintenance, or assumption of ownership, in the evaluation of a particular project under (g) and (h) of this section, or 17 AAC 05.180, the community shall execute an agreement with the state promising to perform the specified act, as authorized by a resolution or ordinance from its assembly or council. If the community breaches its obligation under such an agreement before the advertisement of a project for construction, the department shall reevaluate each project nominated by the community without consideration of the local contribution of money, or local ownership, with possible removal of the project from the STIP upon reevaluation. If the community breaches its obligation after the advertisement of a project for bid, the department may proceed forward with construction to completion of the project. In the evaluation of other projects in the community in the succeeding 6 years after the breach, the department shall not include any consideration of a local contribution toward the cost of

construction, the cost of maintenance and operation of a facility, or ownership of a facility upon completion, until the community has cured its earlier breach of an agreement executed under this section, to the department's satisfaction.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

AS 19.05.125 AS 44.42.050

17 AAC 05.180. DRAFT STIP AND ADOPTION OF THE FINAL STIP.

(a) The department shall, after the close of the review and comment period for the project needs list and preliminary STIP under 17 AAC 05.160, consider the comments received on the projects included in the needs list and the preliminary STIP, new projects disclosed during that public review, and additional projects the department may nominate. The department shall develop a draft STIP, after considering the public comments received and give notice under 17 AAC 05.160 of the completion of the draft STIP and allow for a public review and comment period of not less than 30 days.

(b) The department shall, after the close of the review and comment for the draft STIP under 17 AAC 05.160, consider the comments received and prepare the final STIP. The final STIP is not in force until it is approved by USDOT. The department shall, within 5 days of the approval of the final STIP by USDOT, give notice of its adoption by publication in a newspaper of general circulation, posting notice on Alaska On Line Public Notice, and by written notice to interested parties.

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Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

AS 19.05.125 AS 44.42.050

17 AAC 05.185. STIP PROTESTS. Any interested party aggrieved with the evaluation of projects under 17 AAC 05.180 may, within 15 days of the receipt of a notice of adoption under 17 AAC 05.180, file objections with the commissioner. The commissioner may render a decision on the objections. If the commissioner does not render a decision on any timely filed objections within 45 days of their receipt, the objections are deemed denied and the project will be considered in the next evaluation cycle under 17 AAC 05.175. The commissioner's action sustaining or denying an objection is the final agency action on the issue raised. A pending appeal does not stay the execution of the STIP.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

AS 19.05.125 AS 44.42.050

17 AAC 05.190. FINANCIAL DATA. (a) The statewide transportation improvement program shall include a financial summary that:

(1) demonstrates an implementation strategy for the transportation improvement program; and

(2) indicates resources that are reasonably available to carry out the program, by funding category; and recommends, if necessary, additional financing strategies for needed projects and programs.

(b) Except for projects to which 17 AAC 05.200 applies, the department shall annually program federal non-restricted apportionments of federal money, commencing in federal fiscal year 2003, to the four STIP categories under 17 AAC 05.170 as follows:

(1) except as provided in (c), the National Highway System shall receive not less than 48 percent;

(2) the Alaska Highway System shall receive not less than 8 percent;

(3) the Community Transportation Program shall receive not less than 33 percent; and

(4) The Trails and Recreational Access for Alaska shall receive not less than 8 percent.

(c) Commissioner may, in the state's best interests, program money allocated under (b) to the National Highway System to the Alaska Highway System.

Authority: AS 19.05.020 AS 19.10.140
AS 19.05.030 AS 44.42.030
AS 19.05.125 AS 44.42.050

17 AAC 05.195. AMENDMENT OF THE STIP. (a) The STIP may be amended at any time.

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(b) Amendment of the STIP may occur because of:

- (1) changes in the amount of money available for a project;
- (2) emergency requirements; and
- (3) unanticipated delays in completing projects or phases of projects;
- (4) change in the scope, cost, development of a project or projects; and
- (5) the state's best interests.

(c) A major amendment of the STIP is the addition of a new project requiring an environmental assessment or an environmental impact statement; a change to an existing project that requires an air quality conformity determination; a change in a project that requires a change in a previously approved environmental assessment or environmental impact statement; or the deletion of a project. A major amendment of the STIP may only occur after the department has given public notice with an opportunity to comment as required by (e). Any project delayed by the STIP amendment with the new years of activity noted.

(d) In this section, a minor amendment of the STIP is a change to a project that does not require an air quality determination or a change to an environmental assessment or an environmental impact statement, or a new project that does not require either of these two types of environmental documents. No public notice is required under (e) for a minor amendment of the STIP.

(e) The department shall provide notice of a proposed major amendment to the STIP by publication of a notice in a newspaper of general circulation in the geographic area of the project, and by written notice informing interested parties and any MPO affected by the amendment of the STIP. In the notice, the department shall describe the amendment, the impact of the amendment upon the STIP, and solicit comments regarding the amendment. A notice under this section shall provide for a comment period on the proposed amendment of the STIP of not less than 30 days after the publication of the notice.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

AS 19.05.125 AS 44.42.050

17 AAC 05.200. MANDATORY AND OTHER CLASSES OF PROJECTS

NOT SUBJECT TO SCORING. (a) The following types of programs or projects may be included in any project category of the STIP under 17 AAC 05.170, without following the scoring process under 17 AAC 05.175 or the allocation by program for non-restricted federal money under 17 AAC 05.190:

- (1) safety, infrastructure, and transportation security;
- (2) projects to address air or water quality issues or other environmental concerns not part of any specific surface transportation project;
- (3) research, planning or data collection related to surface transportation;

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- (4) inspection and evaluation of surface transportation facilities;
- (5) training and educational opportunities for staff and the public related to surface transportation issues;
- (6) preventive maintenance or critical repair, and maintenance of surface transportation facilities;
- (7) seismic retrofit of transportation bridges and features;
- (8) civil rights matters not related to any specific surface transportation project;
- (9) federal fuel tax evasion evaluation;
- (10) projects specifically appropriated by the United States Congress;
- (11) emergency requirements;
- (12) management systems related to surface transportation systems;
- (13) projects for the Alaska Railroad Corporation funded by the Federal Transit Administration or the Federal Railroad Administration; and
- (14) any other project or activity, related to surface transportation, the completion of which is considered to be in the state's best interest.

(b) The department may include projects enumerated in (a) in an existing STIP as a minor amendment under 17 AAC 05.195.

(c) The department may include a project specifically recommended in a Statewide Transportation Plan, adopted under 17 AAC 05.050, in any project category of

the STIP under 17 AAC 05.170, without following the scoring process under 17 AAC 05.175. The department may include a project identified in a Statewide Transportation Plan, newly adopted under 17 AAC 05.050, in an pre-existing STIP as a minor amendment under 17 AAC 05.195.

Authority: AS 19.05.020 AS 19.10.140
AS 19.05.030 AS 44.42.030
AS 19.05.125 AS 44.42.050

17 AAC 05.985. Best Interest. In furtherance of this chapter, a decision made in the state's best interest, or the state's best interests, is a discretionary decision that addresses factors of significance to the department in the matter under consideration. The department shall document in writing the decision of a matter on the basis of the state's best interest and memorialize the factors of significance that affected the decision.

Authority: AS 19.05.020 AS 19.10.140
AS 19.05.030 AS 44.42.030
AS 19.05.125 AS 44.42.050

17 AAC 05.990. DEFINITIONS. Unless the context requires otherwise, in this chapter

(1) "environmental readiness" means the extent to which a project has already received a required environmental approval or is deemed ready to receive such approvals in an expeditious fashion;

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(2) “intelligent transportation system” or “ITS” means an integration of advanced sensor, computer, electronics, and communications technologies and management strategies to provide traveler information, or to increase the safety or efficiency of the surface transportation system.

(3) “interested party” means an individual or group that has expressed an interest in transportation issues, municipal governments and their elected officials, members of councils of Indian Tribes recognized under federal law, members of boards of associations established to implement AS 29.60.140, the Trails and Recreational Access for Alaska Citizen's Advisory Board created to implement Administrative Order 161, village and regional corporations under the Alaska Native Claims Settlement Act (P.L. 92-203), 43 U.S.C. §§1601-1628; federal and state land management agencies, federal and state environmental agencies, and public and private providers of transportation services;

(4) "metropolitan planning organization" or "MPO" means an organization formed to meet the requirements of 23 U.S.C. § 134, or 49 U.S.C. §§ 5303-5306;

(5) "modes of transportation" means transportation accomplished by motorized vehicles, airplanes, rail, boats, ferries, bicycles, snow machines, and by foot;

(6) “National Highway System” means highways meeting the requirements of 23 U.S.C. §134;

(7) “non-restricted federal apportionment” means federal money allocated to the state under federal law that is not earmarked for any specific project or category of project;

(8) "public meetings calculated to elicit public comments from members of the public" means public meetings that take the form of an open house, a facilitated meeting, a workshop, a public hearing, or radio and television call in shows;

(9) "surface transportation", "surface transportation facilities", or surface transportation system" means all systems used to move the traveling public and freight including motorized vehicles, airplanes, boats, rail, bicycles, snow machines, trails;

(10) "transit" means the movement of persons by motorized vehicle, rail, or ferry; and

(11) “written notice” means notice that is delivered by FAX, mail, e-mail, or Alaska On Line Public Notice.

Authority: AS 19.05.020 AS 19.10.140

AS 19.05.030 AS 44.42.030

AS 19.05.125 AS 44.42.050